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Combating Extremism and Terrorism

Terrorism, Extremism, Radicalisation and The Offender Management System
— The Story So Far

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This article attempts to set out the principles underpinning the approach adopted by NOMS, our understanding of the challenges facing us, what we have achieved so far and what the future might look like.

Introduction

The offender management system is, of course, familiar with the challenges posed by terrorism, extreme violence, criminal behaviour and dissocial attitudes. The questions and challenges raised by 'new' types of terrorism, in particular al-Qaeda influenced terrorism, and the broader social phenomenon of radicalisation plays to a wider audience than those traditionally interested in prison, probation and the offender management system. As speculation and increasingly academic and operational learning has identified the drivers and stages of radicalisation, a range of organisations, agencies and bodies have looked to the offender management system as a potential area of vulnerability, risk, opportunity and learning.

What is striking is that whilst there is agreement that there are a set of what might broadly be described as risks with an extremist flavour within the offender population, there is relatively little hard evidence, significant speculation and a degree of disagreement on both the extent and shape of this risk and the appropriate response.

Within Government, CONTEST[1] (the Government's counter terrorism strategy) and the revised PREVENT strategy[2] (which sets out the Government's approach to identifying and countering radicalisation) both reference prisons and offenders as areas of concern. The recent Home Affairs Select Committee report into the roots of violent radicalisation[3] acknowledged the focus of these strategies but, after investigating, took a slightly different interpretation of the importance of institutions in the radicalisation process, concluding that *'a number of convicted terrorists have attended prisons and universities, but there is seldom concrete evidence to confirm that this is where they were radicalised'*.

Discussion within pressure groups and think tanks, including RUSI[4] and the Quilliam Foundation[5] has in large part speculated on the diffuse question of radicalisation, the extent to which it may be taking place in the prison system and the adequacy and appropriateness of the operational response. This narrative is echoed in extensive press coverage[6] which has recently started to address the risks posed in the community by terrorist offenders who have served the custodial part of their sentence.

These are all legitimate viewpoints and add to the discussion taking place around this range of topics. They echo the considerations of NOMS following the attacks of 9/11 that gathered pace and direction following the London bombings of 7/7 in 2005.

Where NOMS came in — the Extremist Prisoners Working Group (EPWG)

The prison system has significant experience in the management of terrorists. The escape from HMP Whitemoor of IRA prisoners and the report by Sir John Woodcock[7] was the single most influential incident of the last 50 years in shaping the delivery of secure prisons. But the emergence of what appear to be new, more covert, extreme and complex forms of terrorism has raised legitimate concerns about the ability of prisons to manage risk effectively, with particular concerns around radicalisation.

It was against this background that the then Deputy Director General convened, in 2006, a series of seminars involving a wide range of practitioners, to consider these questions.

1. http://www.homeoffice.gov.uk/publications/counter-terrorism/counter-terrorism-strategy/
2. http://www.homeoffice.gov.uk/counter-terrorism/review-of-prevent-strategy/
3. http://www.publications.parliament.uk/pa/cm201012/cmselect/cmhaff/1446/144602.htm
4. http://www.rusi.org/news/ref:N4C8DDB8C10819/
5. http://www.quilliamfoundation.org/images/stories/pdfs/unlocking_al_qaeda.pdf
6. http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/8218219/Christmas-bomb-plotters-were-radicalised-in-jail.html, http://www.dailymail.co.uk/news/article-2090042/Feltham-youth-jail-A-inmates-Muslims-large-numbers-convert-better-food.html, http://www.dailymail.co.uk/news/article-1217384/Five-freed-terrorists-sent-prison-breaching-parole.html
7. http://www.official-documents.gov.uk/document/cm27/2741/2741.pdf

Its report[8] recommended:

- written briefing materials to senior operational staff about the role of the Muslim chaplain within the Prison Chaplaincy Team and the establishment;

- a support network for Muslim chaplains that envelops their role both within the Prison Service and within their local communities;

- tools to help staff identify and counter the radical extremist;

- counter-radicalisation measures dovetailed into existing security systems and policies and priorities, to avoid impinging on core-business;

- Prison Service IT security intelligence systems (SIS) developed and networked;

- protocols to regulate how the Prison Service interacts with other agencies;

- policies on the strategic management of Islamist extremist prisoners, taking into consideration the comparative risks of dispersal and concentration and the long term impact of extremism, as well as the resources available within the prison estate;

- dedicated training for establishment security managers, training managers and intelligence analysts on Islamist extremism and radicalisation;

- ongoing analysis of the extent of extremism across the prison estate as intelligence data is received;

- proposals should form a part of the Prison Service's commitment to the decency agenda;

- resettlement projects; and

- international learning to ensure best practice.

These recommendations were grouped into an action plan focussing on training, intelligence systems, intelligence and information analysis, facilitating de-radicalisation and policy and procedure.

The Prison Service was at the same time dealing with the consequences of another seminal event — the racist murder at HMYOI Feltham of Zahid Mubarek, a young Asian man who was killed by his violent, racist cellmate in which the risks were neither identified nor actioned by the organisation. In its wake the then Director General acknowledged that the Prison Service was institutionally racist. This event, together with two subsequent Commission for Racial Equality (CRE) investigations and a public inquiry[9] became a watershed in the management of race issues and, almost as much as the conclusions of the EPWG, were critical in shaping the overall approach to extremism that followed.

How do things look now?

There have been significant developments since the EPWG reported. Many of these developments are as foreshadowed by the report There is increased and enhanced connectivity with operational partners; a range of training and briefing materials has been produced and continue to be refined; guidance on reporting and enhanced intelligence infrastructures are in place, with Project Mercury commissioned and in its final stages of testing; there has been significant investment in and development of Muslim chaplains and the broader chaplaincy; and as discussed in detail elsewhere in this edition, there has been a major drive in the development, evaluation and operationalisation of new and innovative interventions and other offender management tools.

The EPWG was, though, an exercise in crystal ball gazing. It speculated on the potential impact of a small but growing number of terrorist prisoners on the prisoner population and the potential implications for the configuration of service delivery and risk management. Discussion focussed on the potential growth of these numbers with continuing prosecutions of large and complex conspiracies. The prospect of hundreds more such offenders, extrapolated from the public discussion of a speech by the Director General of the Security Service in November 2007[10] was not lost on NOMS and was a matter of significant concern.

In the event, the numbers current at the time of the EPWG report remained remarkably static. What did change over time was the mix and profile of prisoners held under Terrorism Act (TACT) powers. There have been fewer 'goal line clearances' (arrest and prosecutions of well developed plots shortly before their activation) and more 'upstream' prosecutions of preparatory acts,

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8.   Report of the Extremist Prisoner Working Group, hard copy circulated to Governors, February 2007.
9.   http://www.official-documents.gov.uk/document/hc0506/hc10/1082/1082_i.asp
10.   http://news.bbc.co.uk/1/hi/uk/7078712.stm

fundraising and other 'lesser' offences. This has meant a more diffuse population, receiving a wider range of sentences, with a small but significant number who have acted alone.

Self evidently, given the passage of time, those who receive finite sentences progress through the system towards release. A significant and growing number of terrorist offenders have completed the custodial part of their sentence and spent time under licence. There are currently a total of around 120 terrorist prisoners, just over 20 of whom are on remand and just under 20 held under extradition or immigration powers, with the balance convicted. Ninety are identified as al-Qaeda influenced, with the remaining 30 including animal rights, separatist and other domestic extremists. Since 2007, around 70 terrorist prisoners have progressed through the prison system; some have completed their sentence, some have been removed from the country and others remain under supervision in the community.

In terms of risk management, a set of behaviours have emerged that are progressively less conceptual and more the focus for active management. They include continuing extremist activity, criminal behaviours, threats to order and control, violent acts, bullying and radicalisation.

Development and implementation of a strategy

Whilst the initial focus of the extremism strategy was on taking forward the findings and recommendations of the EPWG, other developments, operational, political and organisational have shaped the work further.

The impact of Mubarek has been significant. With hindsight it is noteworthy that many of the key players directly involved in formulating the extremist strategy had been closely associated with Mubarek and its aftermath. Whilst Security Group held the ring, key players have been the Muslim and Equalities Advisers, operational practitioners and increasingly, interventions and public protection colleagues. The need for effective inter-agency work, a key conclusion of the EPWG, has been clear and is being realised. There has been increasingly close working with police, Home Office and other agencies, with a strong focus on formalising ways of working, structures and intelligence sharing

The re-configuration of NOMS as an integrated organisation delivering end to end management of offenders has supported a holistic approach. Progressive

developments in the demographics of the terrorist population, improving understanding of the impact of broader social pressures and radicalisation, and improved intelligence reporting have shaped the approach further. Resources have been allocated, including funds secured from the Home Office, to strengthen and develop key areas in intelligence, development of chaplaincy capacity, training, interventions and co-ordination of these activities.

Security and Intelligence have in many respects been the entry point for the overall approach (which is not to say that they have been the prime focus) by beginning to define what we know about offender dynamics in custody. There has been a significant investment of time and effort in the security infrastructure, most notably of the High Security Estate, with enhanced intelligence functionality. A wider infrastructure of regional counter terrorism co-ordinators provides an interface with external partners to facilitate joint working and assist operational colleagues in, for example, awareness raising and threat profiling.

Alongside a range of awareness raising, training (both internal and external) and briefings, a range of behaviours of potential concern have been identified and formalised to help front line staff understand the complexities of radicalisation and produce assessments of threat, both quantitative and qualitative.

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One of the most critical areas of work has been attempting to look below the surface behaviours to understand the risk factors and the most appropriate response to them. These issues are covered in greater detail elsewhere in this edition but are touched on here. The ability of NOMS staff to engage directly with extremists who not only have undergone a process of radicalisation but have gone to the extreme of acting on their ideology is a privileged one, not readily available to any other sector of government. A programme of activity, led by forensic psychologists, undertook extensive fieldwork to understand the dynamics and drivers behind the radicalisation and criminal acts of a number of terrorist offenders. This work resulted in a digest of learning which became the basis for the development of bespoke interventions and a framework for the formulation of case management.

From the digest of learning, which captured some of the drivers and the phenomena which distinguish the fully formed terrorist from the disaffected and dissocial, emerged the Extremism Risk Guidance (ERG22+) which groups by engagement, intent and capability the key

drivers observed in terrorists. This guidance, which is progressively being rolled out to practitioners in prisons, probation and latterly our Channel partners [11], provides a basis for screening offenders, identifying risk factors and signposting appropriate interventions.

At the same time, innovative approaches to intervention have been formulated, including the development of the Healthy Identity Intervention (HII), the Healthy Identity Intervention + (HII+) and explicitly faith based approaches including Al Furqan. These new interventions sit alongside the existing suite of interventions and resettlement pathways whose relevance and applicability to extremist/radicalised offenders can be determined through the findings of the ERG and other risk screening tools such as OASys.

The role of the chaplaincy and specifically of Muslim chaplains and imams in responding to the risks posed by extremism and radicalisation has been much discussed. It was a key focus of the EPWG and is one of the areas of greatest divergence in terms of scale and nature of provision between England and Wales and other administrations where provision of spiritual and pastoral support can be patchy and uncoordinated.

There has been a Muslim Adviser post in NOMS since the late 1990s and progressively a drive for greater multi-faith provision within the chaplaincy function specified in legislation. A negative Commission for Racial Equality report in 2003 commented that the faith needs of non-Christian religions, particularly Muslims (most of whom were members of minority ethnic groups), were not adequately met and progressively, these deficits have been addressed through regime, diet and spiritual provision.

There are now in excess of 200 Muslim chaplains as opposed to fewer than 100 in 2008. This increase has taken place against a background of careful recruitment in which religious credentials are checked and tested, backgrounds vetted and staff bolstered by training, support and networking opportunities. Muslim chaplains have been progressively integrated, through the multi-faith chaplaincies, into the management of prisons, providing a source of advice to Governors on the appropriate provision of faith, pastoral support and

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advice. Muslim chaplains now run one on one sessions and Islamic classes, including formalised courses such as Tarbiya, to enhance prisoners' knowledge of Islam and provide support and help. Doing so helps to address issues of identity, faith and purpose and to counter the single narrative and distorted version of Islam used by radicalisers. Most recently, the development of the Al Furqan intervention has looked to do this explicitly where concerns exist about the risk posed by individual terrorist offenders.

In terms of demographics, one of the most striking developments of recent years has been the variation in sentences given by the courts to terrorist offenders. Whilst lengthy sentences continue to be handed down, as discussed above, the nature and variety of offences committed has also resulted in a wide range of sentences. This, allied to the passage of time has placed increasing focus on preparing for the inevitable return to the community of convicted terrorists.

Against a background of a desire for de-radicalisation and counter-radicalisation tools, in part taken forward through the work on interventions referenced above, a framework for risk management has also developed, using as a starting point existing Multi Agency Protection Panel arrangements. Terrorist offenders have been brought within MAPPA scope, initially at MAPPA level 3 with probation, police and other resources configured around this structure, aligned to the demographic of known and anticipated releases.

One challenge to this process has been the ability to engage effectively with released terrorists through the provision of interventions and resettlement activities within the mullti-agency supervisory framework of MAPPA , as well as the specific licence conditions available for the management of terrorist offenders. There is an unequal distribution of releases of terrorist offenders across the country with high concentrations in a small number of urban areas. Local provision varies and questions of public acceptability are to the fore in working with local partners. Part of multi agency management of offenders in the community can include onward referral from NOMS providers to our Channel partners. Compliance with licence conditions has been

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11. http://www.acpo.police.uk/ACPOBusinessAreas/PREVENT/Channel.aspx

closely monitored and enforcement action has been taken in discussion with MAPPA partners when concerns have been raised.

And as approaches and tools are developed for identifying and managing extremist risk in the broader population, structures are progressively being created to match risk to capability. The new pathfinder initiative[12] requires action to be taken on receipt of information suggesting concerns about possible sympathies with extremist ideologies, specifically looking at the case for onward referral to intervention providers, both in the scope of offender management and, potentially into police responsibilities including Channel referral.

So what have we learned?

Firstly, the terrorist population is not homogenous. Whilst initial concerns (possibly grounded in the experiences of the 1970s and 1980s) focussed on co-ordinated and sophisticated terrorist plots being disrupted, with key players transplanted from the community into prisons, the current picture is much more nuanced. Numbers have not increased as significantly as initially feared or expected. The large, complex and multi-handed trials which created significant operational challenge a few years ago (such as the dirty bomb and airline plots) have been followed by the arrest and prosecution of individuals for much more diverse behaviours including self-starters, fund raisers and proselytisers. The resultant demographic, including women and teenagers as well as adult male offenders and with a range of challenging presentations including mental health deficits and significant public profiles, creates further challenges around estate configuration and infrastructure.

As a consequence, some of the theoretical discussions rehearsed in the EPWG and more widely about appropriate managerial responses seem simplistic. For example, discussions of dispersal policy premised on offence type as opposed to risk presentation have proved to be fundamentally misconceived given the actual demographic and risk profile of the terrorist population.

Second, the broader demographic of prisons is challenging and changing, and radicalisation, though much discussed, is hard to quantify. A lot of discussion has focussed on risk factors including, for example, the role of charismatic individuals, grievances, conversion to

Islam and the roles of various schools of faith. Yet many of these factors apply, in varying degrees, to many of those in custody. Much has been made by some of the apparently disproportionate number of Muslims in prisons. Distinguishing cultural identify from religious practice, from religiosity and from inappropriate behaviour is enormously challenging and can throw up a number of false positives, potentially generating actions that can deepen grievances and make things worse. Such analysis requires an in depth understanding of concepts, custodial environments, individuals and group dynamics before a real understanding can be reached.

What is clear from reporting and research is that there are a multiplicity of behaviours and motivations in play which revolve around identity and manifestations of identity. Crudely these can include ways of coping with imprisonment, techniques of self-protection, opportunities to exploit the custodial environment for personal or criminal gain and attempts to create power bases potentially for criminal purposes which may extend into extremist behaviours. The role of 'moments in time', exploited by individuals including those who employ charismatic or violent personal characteristics, can be significant.

Third, the prison environment is a heightened and different version of that present in the community. Coping strategies reflect the specific pressures faced by individuals and vary from offender to offender, from location to location and from prison to prison, and may very well be only temporary. Challenges exist in understanding the very personal question of how an offender deals with the deprivation of liberty, the pressures and opportunities created by others and the impact of friendships, allegiances, bullying and criminal endeavour which all play out in a constrained environment. The extent to which these dynamics can also be positively influenced by location, regime, friendships and intervention also depends on the individual. Critically, the fluidity of these factors, the readiness of individuals to adapt and our lack of knowledge around the persistence of what may be temporary behaviours and affiliations all represent a major challenge in identifying and managing possible risk.

Fourth, risk management in this area is emergent and dynamic. The progression of terrorist/extremist offenders through the system requires careful mapping.

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12. Guidance sent to Governors, March 2012.

The case for multi-agency activity is self evident and clear articulation of respective roles and responsibilities essential. The most obvious points of transition — remand into prison custody, conviction, sentence, release into the community on licence and sentence expiry — all represent points where the respective agency roles and responsibilities shift. This is no less true for terrorists or radicalised individuals than for other offenders and is a principle which shapes the work of all the various agencies that operate in this space.

Current and future challenges

Offender management is and remains a critical part of the Government's overall counter terrorism strategy. It deals with the aftermath of the radicalisation process in the event that the state is unable to prevent it proceeding to terrorist activity. But it also has a role to play in managing those who may be vulnerable to radicalisation by diverting or protecting them from radicalising influences, or by identifying and reversing pathway influences. Where individuals remain resistant to these efforts and continue to seek to draw others to their world view and/or actively seek to engage in planning terrorist and other criminal acts, then intelligence gathering becomes a crucial aspect of good offender management.

But these are not activities which take place in a vacuum. The demographics of prisons are challenging in terms of age, health, learning and skill deficits, racial, social and ethnic tensions, disaffection and criminal activity. They are also changing, as Professor Liebling's study at Whitemoor demonstrates, with consequences for the complex and fluid dynamics of a high security prison environment that may jeopardise rehabilitation by an over-focus on managing the risks of highly capable, violent individuals. HM Chief Inspector of Prisons 2010 thematic inspection of Muslim Prisoners highlighted the further dangers of conflating risk with race or faith.[13] The management of these complexities is challenging enough in itself together with the ongoing priorities of delivering safe and decent regimes, rehabilitation, diversity, decency and effective work with partners, without the introduction to this mix of the difficult concept of radicalisation.

The operational culture within which this agenda develops is similarly complex. On one analysis, the aftermath of the CRE investigations following the murder of Zahid Mubarek created a dynamic of staff being fearful of getting it wrong, of being accused of being racist and hesitant to engage with certain groups of prisoners as a result. Yet at the same time, many of the improvements set in train following the CRE investigation — equality impact assessments, improved equality monitoring, clear policies and auditable standards and better provision for minority groups, support the conclusions of the learning drawn from engagement with extremists — that an environment that respects ethnic and religious difference and actively promotes racial harmony is incompatible with divisive radicalising narratives and can protect against their influence or prompt their undoing. The acknowledgement of detriment and the honest promotion of remedial actions can go a significant way in protecting against both criminogenic and radicalising influences.

This is an emergent area of learning both for NOMS and Government more broadly. The importance of the counter terrorism agenda has meant that funding streams have been available to develop capability at a time when other sources of income are reducing. The challenging agendas of delivering the rehabilitation revolution[14], addressing the risks posed by organised crime[15] and maintaining public protection exist alongside this work. The ability to integrate both tactically and strategically work on extremism and radicalisation into NOMS' broader responsibilities without losing focus on accountability is challenging. Future funding cannot be taken for granted and dependencies with partners may become progressively strained as, post Olympics, budgets and priorities are reassessed.

Conclusion

One of the challenges to any strategy is defining success. Narrowly, a counter terrorism strategy will be judged on its ability to prevent terrorist attacks, but simply delivering a negative is hard to evidence. CONTEST through its 4 Ps (Protect, Prepare, Pursue and Prevent) articulates this challenge well. But in the specific setting of offender management the challenge is more nuanced. The starting point of risk management is to stop criminal activity. The offender management process seeks to do this but also to rehabilitate, and within this the extremism strategy looks to integrate into the broader offender management strategy specialist approaches to the identification and management of risk. We have made some progress but this is an area where ongoing dialogue, reflection and analysis remain crucial. NOMS remains a potential area of vulnerability, risk, opportunity and learning.

13. http://www.justice.gov.uk/downloads/publications/hmipris/thematic-reports-and-research-publications/Muslim_prisoners_2010_rps.pdf
14. http://www.justice.gov.uk/downloads/consultations/breaking-the-cycle.pdf
15. http://www.homeoffice.gov.uk/publications/crime/organised-crime-strategy?view=Binary